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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/202,216	04/08/1999	TAKAFUMI ATARASHI	Q52648	2612
7590 02/08/2006			EXAMINER	
SUGHRUE MION ZINN MACPEAK & SEAS 2100 PENNSYLVANIA AVENUE NW			CHANNAVAJJALA, LAKSHMI SARADA	
WASHINGTON			ART UNIT PAPER NUMBER	
	•		1615	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application	No.	Applicant(s)			
	09/202,216		ATARASHI ET AL.			
Office Action Summary	Examiner		Art Unit			
	Lakshmi S.	Channavajjala	1615			
The MAILING DATE of this comm	nunication appears on the d	over sheet with the c	orrespondence address			
Period for Reply						
A SHORTENED STATUTORY PERIOR WHICHEVER IS LONGER, FROM THE - Extensions of time may be available under the provis after SIX (6) MONTHS from the mailing date of this of - If NO period for reply is specified above, the maximu - Failure to reply within the set or extended period for Any reply received by the Office later than three mon earned patent term adjustment. See 37 CFR 1.704(I	E MAILING DATE OF THIS cions of 37 CFR 1.136(a). In no event communication. In statutory period will apply and will exply will, by statute, cause the applications after the mailing date of this communication.	S COMMUNICATION, however, may a reply be time expire SIX (6) MONTHS from atton to become ABANDONEI	I. lely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1) Responsive to communication(s)	filed on 09 November 200	<u>15</u> .				
2a) This action is FINAL .						
3) Since this application is in condit	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the pra	actice under <i>Ex parte Qua</i> j	/le, 1935 C.D. 11, 45	53 O.G. 213.			
Disposition of Claims						
4) Claim(s) 1-4.6.7 and 9-16 is/are	4)⊠ Claim(s) <u>1-4,6,7 and 9-16</u> is/are pending in the application.					
4a) Of the above claim(s)i	=	ideration.				
5) Claim(s) is/are allowed.						
6) Claim(s) <u>1-4,6,7,9-11 and 13-16</u>	is/are rejected.					
7) Claim(s) 12 is/are objected to.						
8) Claim(s) are subject to res	striction and/or election rec	uirement.				
Application Papers						
9)☐ The specification is objected to by	the Examiner.					
10)☐ The drawing(s) filed on is/s] objected to by the F	Examiner.			
Applicant may not request that any o	bjection to the drawing(s) be	held in abeyance. See	e 37 CFR 1.85(a).			
Replacement drawing sheet(s) include	ding the correction is required	if the drawing(s) is obj	jected to. See 37 CFR 1.121(d).			
11) The oath or declaration is objecte	d to by the Examiner. Note	the attached Office	Action or form PTO-152.			
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a cla a) All b) Some * c) None o		er 35 U.S.C. § 119(a))-(d) or (f).			
 Certified copies of the prio 	rity documents have been	received.				
2. Certified copies of the prio	•					
3. Copies of the certified cop	· · · · ·		ed in this National Stage			
application from the Intern		• • •				
* See the attached detailed Office a	ction for a list of the certific	ed copies not receive	ca.			
Attachment(s)						
1) Notice of References Cited (PTO-892)	4	Interview Summary				
 Notice of Draftsperson's Patent Drawing Revie Information Disclosure Statement(s) (PTO-144 Paper No(s)/Mail Date <u>10-21-05</u>. 	9 or PTO/SB/08)	Paper No(s)/Mail Da i) Notice of Informal P Other:	ate atent Application (PTO-152)			

Application/Control Number: 09/202,216

Art Unit: 1615

DETAILED ACTION

Receipt of RCE dated 11-9-05 and IDS dated 10-21-05 is acknowledged.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11-9-05 has been entered.

Claims 1-4, 6-7 and 9-16 are present in the instant application.

Claims 1-4, 6, 7, 9-11 and 13-16 are rejected under 35 U.S.C.103 (a) as being unpatentable over JP 06-093206 (JP '206, submitted on PTO-1449 dated 10-21-05) in view of US 5,424,129 to Lewis et al (Lewis).

Instant claims recite a base particle coated with three or more layers that are different from each other causing coloring of the resulting coated powder, wherein the specific gravity of the base particle is 0.1 to 0.15 and the refractive index of the layers is different from each other. Dependent claims recite that on of the layers is an inorganic metal oxide (claims 2-4).

JP '206 teaches a powder, excellent in saturation and useful as coatings, inks etc., wherein the a fine powder of iron oxide or mica is coating with two or more, up to

six layers, thin films of titanium oxide alternating with thin films of silicon dioxide (abstract). JP teaches that the iron oxide or mica powder has a metallic luster with particle diameter 5-200 microns. JP teaches that the coated powder is chromatically powder. While JP (abstract) does not state the specific gravity and refractive index, the layers or coatings of JP are the same as that of the instant claims and hence the properties are inherent to the layers and the center particle. JP clearly teaches the limitation of claims 6 (powder is a pigment), 7 (powder is a cosmetic) and 9 (particle is a spherical particle). JP does not teach an organic layer in the coatings around particle.

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Lewis teaches a composite metal oxide charge enhancing additive composition comprised of a first metal oxide forming a core particle, and a second metal oxide forming an outer layer on the first metal oxide core particle. The composition of Lewis is used as a toner or developer and comprises pigments particles and resins. Lewis teaches that coating a core particle with inorganic coatings have a disadvantage of not being able adjust the conductivity and particle surface composition (col. 3, lines 48-67). Lewis also teaches that the dispersibility and flow characteristics of the composition are affected by the agglomeration of metal oxides. In order to increase the flow and improve the synthetic yield of the toner, Lewis suggests incorporating an organic layer on the core metal oxide particle (col. 4, lines 56-67). Lewis teaches that first layer coating the particle is different from the second layer that surrounds the first layer, and further an outer layer comprising an organ silicone. The layers that are suitable for coating, including the particle sizes are listed in col. 8.

It would have been obvious for one of an ordinary skill in the art at the time of the instant invention to use an organic material containing layers, as one the coatings surrounding the base or center particle in the composition of JP, with an expectation to improve the dispersibility and flow characteristics of the composition of JP because Lewis teaches that the resulting composition would have a better conductivity without agglomeration of the coatings. Accordingly, the composition of JP results in a chromatically bright composition as well as better conductivity.

While JP does not teach the thickness of each coating, JP teaches thin and smooth films for chromatic brightness. Accordingly, optimizing the thickness of the coating layer so as to achieve the desired brightness of the fine powder would have been obvious for on ordinary skill in the art. Further, with respect claim 7, the limitation "cosmetic" is an intended use and carries no patentable distinction.

Claim Objections

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 10-21-05 have been fully considered but they are most in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 9.00 AM -6.30 PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lakshmi S Channavajjala

Examiner Art Unit 1615

February 6, 2006